

Executive Session.

On motion of Senator Cousins, the executive session was re-set for 10:50 o'clock a. m.

At 10:50 o'clock a. m., the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,
Austin, Texas, Sept. 22, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following nominations of the Governor, beg leave to report that we have considered the appointees recommended by the Governor, and recommend that the appointment of the following named persons for the following named position be in all things confirmed:

To be Pilot Commissioners for Sabine Pass, River and Tributaries:

V. B. Westbrook, Port Arthur, Texas.

C. F. Peterson, Port Arthur, Texas.

POLLARD, Chairman.

Adopted.

Adjournment.

Senator Cousins moved to recess until 2:30 p. m.

Senator Hardin moved to adjourn until 10 o'clock tomorrow morning. The motion to adjourn prevailed, and at 11:10 o'clock a. m., the Senate adjourned.

APPENDIX.**Petitions and Memorials.**

Sept. 21, 1931.

State Senate, care of
Honorable Bob Barker,
Austin, Texas.

Dear Colleagues:

This is to thank the Senate of Texas and the members thereof for their testimony of affection shown at the passing of my brother, P. P. Holbrook, of Vernon, Texas.

The flowers that went into the wreath purchased by the Senate were beautiful and the recollection of them will always be a benediction to me.

Sincerely yours,
T. J. HOLBROOK.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
September 24, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Prayer by the Rev. A. W. Jones of Llano.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Holbrook and Woodul.
S. B. No. 37, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used

by counties and cities or towns for constructing streets and roads; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators DeBerry, Hardin and Williamson:

S. B. No. 38, A bill to be entitled "An Act for the purpose of releasing the interest and penalties of all State, county, special school, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, provided said taxes are paid by January 1, 1932; declaring a state policy and the existence of a public calamity; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Purl:

S. B. No. 39, A bill to be entitled "An Act to provide for the necessary enlargement and rehabilitation of the vaults and safes in the office of the State Treasurer so as to insure the safe keeping of the bonds and other securities required to be deposited with the State Treasurer or with any other state official in the State Capitol at Austin, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Greer:

S. B. No. 40, A bill to be entitled "An Act to amend paragraphs numbered 1, 2, 3 and 5 of Section 1, Article 8309, Revised Civil Statutes of 1925, under heading "Average Weekly Wages shall mean," repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Greer:

S. B. No. 41, A bill to be entitled "An Act to amend Section 6 of Article 8306 of the Revised Civil Statutes of Texas of 1924, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Hardin:

S. B. No. 42, A bill to be entitled "An Act to amend Section 39, Chap-

ter 212, page 355, Acts 1931, Forty-second Legislature, Regular Session."

Read and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 43, A bill to be entitled "An Act amending Chapter 286, General Laws, Forty-second Legislature, at page 678, printed laws thereof, by striking therefrom restrictions on State auditor's use of appropriation made for oil and gas royalty audit, and declaring an emergency."

Read and referred to Committee on Finance

By Senator Oneal:

S. B. No. 44, A bill to be entitled "An Act to authorize any county in this State, whose population according to the United States census of 1930 did not exceed fifteen thousand, having at the time of the passage of this Act, any claim for money against any person, partnership, corporation, joint stock or other association, and whose claim shall amount to at least fifty per cent of all the claims against such debtor, to purchase the property of such debtor or debtors, at any sale made within two years from the date this Act shall become effective under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, whenever the commissioners' court of said county shall be of the opinion that it is necessary or advisable so to do to protect the interest of the county, for such price as the commissioners' court may deem advisable and for the best interests of the county, and to have such property by said trustees in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; further authorizing the commissioners' court of any such county to borrow money on the credit of the county, and to execute or cause to be executed the obligations of the county therefor, for the purpose of making such purchases; and further authorizing such county to pledge, hypothecate or mortgage any property so purchased to secure the payment of all sums so borrowed; giving and granting to the commissioners' court full power and authority to determine upon what terms for what length of time and at what rate of interest said sums shall be borrowed;

further authorizing said commissioners' court to liquidate all assets so purchased for the use and benefit of the county in any manner that a private individual might liquidate such assets, to sell and convey all or any part of such property so acquired, either for cash or upon credit, for such length of time and at such rate of interest as it may deem advisable, and to sue upon any obligations so acquired or contracted to be paid to such county; further authorizing the commissioners' court to pay the necessary cost and expense incurred in connection therewith from such property or the proceeds thereof; further provided that the net proceeds received by the county from such liquidation shall be paid into the respective funds of the county to which such claim originally belonged pro rata; suspending all laws in conflict herewith and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senators Hornsby, Small and Neal:

S. B. No. 45, A bill to be entitled "An Act making appropriations to pay salaries and expenses of district judges in Judicial Districts Nos. One Hundred and Twenty-three (123) One Hundred and Twenty-four (124) and One Hundred and Twenty-six (126) and to pay salaries of Assistant District Attorney in the Forty seventh (47) Judicial District for the two year period beginning September 1, 1931 and ending August 31, 1933 and to pay Blanket Warrants issued by the State Comptroller to District Judges, District Attorneys, and Court Reporters for services rendered after the Acts creating their respective offices became effective, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Moore:

S. B. No. 46, A bill to be entitled "An Act amending Article 1025, of Chapter Two, Title 15, Code of Criminal Procedure, fixing the fees paid by the State to district attorneys, criminal district attorneys or county attorneys for representing the State in the district court in felony cases and in habeas corpus cases where the defendant is charged with a felony;

repealing Article 1024, of Chapter Two, Title 15, Code of Criminal Procedure; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 47, A bill to be entitled "An Act amending Chapter 212, Section 18, Acts of the Regular Session, Fortieth Legislature, 1927; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 48, A bill to be entitled "An Act amending Article 1020 of Chapter 2, Title 15, Code of Criminal Procedure, fixing the amount of fees to be paid by the State to county judges, justices of the peace, constables, sheriffs, district attorneys, criminal district attorneys and county attorneys, in examining courts; prescribing the conditions upon which said fees shall be paid; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Messages From the Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second Legislature:

Herewith I hand you a proposed measure which provides that all interest and penalties accrued on all State, county, special, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, which are delinquent up to and including October 20th, 1931, shall be released provided said taxes are paid by January 1st, 1932.

In my judgment, this will give relief to the citizens of Texas in the payment of their past due taxes and I urge that you give this measure your prompt and careful consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second Legislature:

I hand you herewith a proposed

measure which amends Chapter 286 General Laws of the Forty-second Legislature relating to an oil and gas royalty audit of the permanent school fund and other funds. This measure, if passed, will prevent great injury and loss to the State of Texas and to the permanent school fund, and I urge your prompt and careful consideration of the bill.

Respectfully submitted,
R. S. STERLING,
Governor.

Executive Office,
Austin, Texas, Sept. 23, 1931.
To the Members of the Forty-second Legislature:

It is my opinion that the proclamation convening the Second Called Session of the Legislature was broad enough to include legislation affecting the Canalization of the Trinity River, for the reason that successful completion of the project would result in soil conservation through control of the flood waters of the Trinity River.

However, in order to dispel any doubt as to the legality of passing House Bill No. 35, in view of the recent opinion by the Attorney General, your consideration of said bill is hereby approved.

Respectfully submitted,
R. S. STERLING,
Governor.

Simple Resolution No. 24.

Senator Gainer sent up the following resolution:

Whereas, The walls within the Senate Chamber have become overcrowded and show to great disadvantage, now therefore,

Be It Resolved, That the President appoint a committee of three to arrange the pictures and place them to the best advantage.

GAINER.

Read and adopted.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 47 by a vote of 103 yeas and 0 nays.

The House has concurred in Senate

amendments to H. B. No. 33 by a vote of 101 yeas and 0 nays.

The House has adopted the Conference Committee report on S. B. No. 24 by a vote of 92 yeas and 15 nays.

The House has refused to consider:
S. B. No. 8, A bill to be entitled "An Act providing relief for the Valentine Independent School District, in order to aid said district in repairing and rehabilitating its school building which was seriously damaged and rendered untenable and unsafe for use for school purposes by the earthquake on Sunday, August 16, 1931, making an appropriation for that purpose, and declaring an emergency."

The House has passed:

S. B. No. 16, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing for additional compensation for the County Auditors in such counties having more than 200,000 population and not more than 300,000 population according to the last Federal census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate:

Sir: I am directed to inform the

Senate that the House has passed the following bill and resolution:

H. B. No. 22, A bill to be entitled "An Act amending Article 7065, Revised Statutes of Texas, 1925, as amended by Chapter 88, Section 17, Acts Second Called Session of the Forty-first Legislature, and declaring an emergency."

H. C. R. No. 26, Expressing regret over the removal of Harry Benge Crozier to the City of New York but congratulating him upon his new business connection with the American Petroleum Institute.

The House has passed the following bill:

H. B. No. 61, A bill to be entitled "An Act amending Senate bill No. 17, Chapter 95, Acts of the Regular Session of the Forty-second Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of judges, and the support and maintenance of the judicial department of the State government for the two-year period beginning September 1, 1931, and ending August 31, 1933, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 15, A bill to be entitled "An Act to amend Senate Bill No. 114, Chapter 68, of the laws of the State of Texas, as passed by the Forty-second Legislature at its Regular Session in 1931, which Act defines and regulates Public Cotton Classers, by a more complete definition of a Public Cotton Classer, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 8400 and not more than 6100 population, according to the last preceding Federal census, from the county available school fund; repealing all laws and parts of laws in conflict here-

with, and declaring an emergency."

The House failed to adopt

S. C. R. No. 11, Authorizing a committee to be appointed to investigate the proposed McFarlin gift to the State of Texas.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Messages from the Governor.

Executive Office,
Austin, Texas, Sept. 24, 1931.
To the Members of the 42nd Legislature:

I herewith hand you Senate Bill No. 8, which provides for an appropriation for relief of the almost helpless condition of the Valentine Independent School District which condition was brought about by an unprecedented calamity in the form of an earthquake which recently occurred in West Texas.

In my judgment, this matter should have your immediate and careful attention to the end that this school district may have relief in its distressed condition.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, Sept. 25, 1931.
To the Members of the Forty-second Legislature:

Upon the request of a large majority of the members of the House I herewith hand you a proposed measure which would provide that the Texas Prison Board be permitted by law to bid upon and contract for printing, binding, and supplies of like character on State contracts.

I respectfully ask your prompt and careful consideration of this measure.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, Sept. 24, 1931.
To the Members of the Forty-second Legislature:

It having been made known to me that a conflict exists in several instances relating to the time for holding courts in some of the Judicial Districts in this State, and in other instances the terms are so arranged as to make it quite inconvenient, therefore, I am hereby submitting to you this subject, to the end that

the time for holding courts may be changed where it is necessary to cure any errors or conflicts heretofore existing.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, Sept. 24, 1931.
To the Members of the Forty-second Legislature:

Upon the request of several members of the House I herewith submit for your consideration the amendment of Section 3 of Chapter 20, of the general laws of the Forty-first Legislature, fourth called session, and/or as amended.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, Sept. 23, 1931.
To the Members of the Senate of the Forty-second Legislature:

Subject to your confirmation I have appointed Honorable R. F. Burges of El Paso to serve as the Texas Commissioner of the Rio Grande Compact Commission. Provision is made for this position under the appropriation for the State Board of Water Engineers, the appointment to be made by the Governor.

Respectfully submitted,
R. S. STERLING, Governor.

Read and referred to Committee on Governor's Nominations.

At Ease.

At 10:28 o'clock a. m., the Senate, on motion of Senator Woodul, stood at ease subject to the call of the Chair.

In Session.

The Senate was called to order at 10:35 o'clock a. m.,

Motion to Print.

Senator DeBerry moved to print S. B. No. 31 on minority report.

The Chair held that this motion was out of order because the bill had received advance printing which satisfied the requirements of the rule relating to having printed copies of the bill on Senators' desks 24 hours in advance of consideration.

Senator DeBerry explained that the purpose of this motion was to secure the consideration of the bill

instead of the physical printing.

The Chair held that such a motion was in order.

Senator Woodul moved to lay the motion on the table subject to call.

Senator DeBerry raised the point of order that this motion was out of order.

The Chair, Lieutenant Governor, Edgar E. Witt, overruled the point of order.

Senator Moore moved to recess until 2 o'clock p. m. The motion was lost by the following vote:

Yeas—11.

Beck.	Moore.
DeBerry.	Oneal.
Hardin.	Parrish.
Holbrook.	Poage.
Hornsby.	Purl.
Loy.	

Nays—19.

Berkeley.	Rawlings.
Cousins.	Russek.
Cunningham.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hopkins.	Williamson.
Martin.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Absent—Excused.

Pollard.

Senator Woodul withdrew his motion.

The motion to print was lost by the following vote:

Yeas—12.

Berkeley.	Neal.
Cunningham.	Oneal.
DeBerry.	Parrish.
Hardin.	Poage.
Loy.	Woodruff.
Moore.	Woodward.

Nays—17.

Cousins.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

Motions to Print.

Senator Woodul moved to print on minority report S. B. No. 27.

Senator Purl moved to recess until 2 o'clock. The motion was lost.

The motion to print was lost by the following vote:

Yeas—11.

Cunningham.	Oneal.
DeBerry.	Parrish.
Hardin.	Poage.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—18.

Berkeley.	Patton.
Cousins.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Parr.	Woodul.

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

House Bills Referred.

H. B. No. 22 referred to Committee on Highways and Motor Traffic.

H. B. No. 61 referred to Committee on Finance.

Executive Session Set.

On motion of Senator Berkeley, the Senate voted to go into executive session today just prior to adjournment.

Bills Signed.

The Chair, Lieutenant Governor, Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 33.	H. B. No. 58.
H. B. No. 47.	H. B. No. 12.
H. B. No. 49.	

Motion to Recess.

Senator DeBerry moved to recess until 2 o'clock. The motion was lost.

Motions to Print.

Senator DeBerry moved to print on minority report S. B. No. 32. The

motion was lost by the following vote:

Yeas—12.

Berkeley.	Neal.
Cunningham.	Oneal.
DeBerry.	Parrish.
Hardin.	Poage.
Loy.	Woodruff.
Moore.	Woodward.

Nays—17.

Cousins.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Parr.	Woodul.
Patton.	

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

Senator DeBerry moved to print on minority report S. B. No. 30. The motion was lost by the following vote:

Yeas—5.

Cunningham.	Oneal.
DeBerry.	Poage.
Loy.	

Nays—24.

Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

Senator Woodul moved to print on minority report S. B. No. 28.

Senator Poage moved to recess until 2:30 p. m. The motion was lost.

The motion to print prevailed by the following vote:

Yeas—15.

Berkeley.	Oneal.
Cunningham.	Parrish.
DeBerry.	Poage.
Hardin.	Purl.
Hornsby.	Rawlings.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—14.

Cousins.	Patton.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Martin.	Williamson.
Parr.	Woodul.

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

Senator Woodul moved to print S. B. No. 29 on minority report. The motion was lost by the following vote:

Yeas—9.

Cunningham.	Oneal.
DeBerry.	Poage.
Hardin.	Woodruff.
Loy.	Woodward.
Neal.	

Nays—20.

Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Parr.	Woodul.

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

Reason for Vote.

I vote "nay" on all bills proposing reduction of salaries of State employees at this time for the reason that to do otherwise would be in contravention of the State and Federal Constitutions; both of which prohibit the violation of contractual obligations. Nearly all of the State

employees are serving under contracts. See 112 Texas, 222; 111 Texas 111; 103 U. S. 5; 2 Brockenbrough 96; 104 Texas 191; 11 L. R. A. 370; 92 Texas 80; 16 Wallace 203, 114 U. S. 269; 4 Wallace 535. By the cases cited I am convinced that these salaries cannot be cut in the manner proposed as much as I would like to bring about some retrenchments at the moment.

HOLBROOK,

Recess.

On motion of Senator Woodul, the Senate, at 1:04 o'clock p. m., recessed until 3 o'clock p. m.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 9.

On motion of Senator Woodward, the vote by which H. B. No. 9 was finally passed was reconsidered.

Senator Woodward sent up the following amendment:

Amend H. B. No. 9 lines 7 and 8, page 2 by striking out the words "until business is disposed of," and insert in lieu thereof the following "for eight weeks."

WOODWARD.

Read and adopted by a two-thirds vote.

Amend H. B. No. 9 by adding two new sections as follows:

Section 1-A: All process and writs issued out of and all bonds and recognizances made and entered into and all grand and petit jurors drawn before this act shall take effect, shall be held valid and returnable to the next succeeding terms of the District Court in and for the several counties hereinabove specified as herein fixed, the same as though issued and served for such term and the same as if made returnable and drawn for the terms herein fixed and all such process, writs, bonds and recognizances issued or taken before this act takes effect in the District Court of the several counties affected by this act, shall be held valid as though no change had been made in the time of holding courts in the district herein affected, and all parties

shall take notice of the change in the terms of the court and shall answer in response to all writs and process to the terms of court as herein specified the same as if said writs and process, bonds and recognizances had been executed, issued or entered into after the taking effect of this act.

Sec. 1-B: The limited time within which this session may continue, the crowded condition of the calendar and the importance of the subject, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is suspended and this act shall take effect and be in force from and after its passage and it is so enacted.

WOODWARD.

Read and adopted by a two-thirds vote.

The bill was finally passed.

Messages from the Governor.

Executive Office,
Austin, Texas, Sept. 24, 1931.
To the Members of the 42nd Legislature:

I hereby submit to you the subject of authorizing counties in Texas not having exceeding fifteen thousand (15,000) population according to the 1930 census, to purchase property at any bankruptcy sale, receivership sale or any other judicial proceeding in cases where such county holds claims of at least fifty per cent (50%) of all claims against the debtor or debtors whose property is being sold at said sale.

Respectfully submitted,
R. S. STERLING, Governor.

Executive Office,
Austin, Texas, Sept. 24, 1931.
To the Members of the 42nd Legislature:

I hereby submit for your consideration the amendment of Article 619 of the Penal Code of 1925.

Respectfully yours,
R. S. STERLING, Governor.

Senate Bill No. 37.

The Chair laid before the Senate on second reading the following bill:
By Senators Holbrook and Wood-

S. B. No. 37, A bill to be entitled "An Act making an emergency appropriation to pay certain refunds on sand, shell and gravel used by counties and cities, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 37 was put on its second reading by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 37 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Present—Not Voting.

DeBerry.

Absent.

Pollard.

Senate Bill No. 36.

The Chair laid before the Senate on its second reading the following bill:

By Senators Purl and Williamson:
S. B. No. 36, A bill to be entitled "An Act supplementing the appropriation made during the third called session of the Forty-first Legislature for the fiscal year ending August 31, 1931, to pay salaries of special judges and expenses of district judges for holding court out of their own counties, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

The committee amendment was adopted.

The bill was read second time.

Senator Parrish sent up the following amendment:

Amend the bill by adding to Section 1, the following: And the sum of \$10,000.00 or so much as is necessary, be also appropriated to pay the salaries and traveling expenses of the judges and district attorney appointed under Districts No. 119, 47 and 32, created by the Reg-

ular Session of the 42nd Legislature and for which no appropriation has heretofore been made.

PARRISH.

The amendment was read.

On motion of Senator Williamson the bill was laid on the table subject to call.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 62, A bill to be entitled "An Act establishing, promulgating, and fixing the salaries of public officers, deputies, judges, clerks, and employees and assistants in the employ of the State government, and various departments thereof; declaring the policy of the State, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 13, A bill to be entitled "An Act to amend Article 7332, Chapter 10, Title 122, of the Revised Civil Statutes of Texas, 1925, as amended by the Act of the Forty-first Legislature passed at its Regular Session, and found in the published laws of said session, Chapter 143, page 307-8, and amended by the Acts of the Fourth Called Session of the Forty-first Legislature, as the same appear in the published laws of said session, Chapter 20, page 37, and as amended by the Forty-second Legislature at its Regular Session as same appears in the published laws of said session, Chapter 258, page 428, and providing that the officers herein named shall not be entitled to the fees provided for herein in delinquent tax suits until actual notice is given to the delinquent owner as provided for in Article 7324; to repeal all laws in con-

flict herewith, and declaring an emergency."

(With amendments.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 33.

The Chair laid before the Senate on its second reading the following bill:

By Senators Moore, Woodward, Purl, Hardin, Neal, Beck, Berkeley, Williamson, Greer, Russek, Loy, Cunningham, Woodward, Gainer, Hornsby and Small:

S. B. No. 33, A bill to be entitled "An Act relating to State warrants and to provide that certain State warrants shall draw interest after they are presented for payment and not paid, and to authorize the State Highway Commission to invest such portions of the State Highway Fund, as from time to time, may not be needed for immediate use, in State warrants drawn against the General Revenue Fund, provided that not more than three million dollars (\$3,000,000.00) shall be so invested at any one time, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote:

The committee report was adopted.

The committee substitute was adopted.

The bill was read second time.

Senator Moore sent up the following amendment:

Amend committee substitute to S. B. No. 33, page 1, Section 1, line 7 and 13 of the typewritten copy by inserting after the word "general" in line 7 and after the word "general" in line 13, the words "and/or pension" and amend the caption to conform.

MOORE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 33, was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck. Cousins.
Berkeley. Cunningham.

DeBerry.
Gainer.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Neal.
Oneal.
Parr.
Parrish.
Patton.
Poage.
Purl.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—29.

Beck. Parr.
Berkeley. Parrish.
Cousins. Patton.
Cunningham. Poage.
DeBerry. Purl.
Gainer. Rawlings.
Greer. Russek.
Hardin. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Loy. Williamson.
Martin. Woodruff.
Moore. Woodul.
Neal. Woodward.
Oneal.

Nays—1.

Holbrook.

Absent—Excused.

Pollard.

Reason For Vote.

I vote "no" on Senate Bill No. 33 for the reason that the effect of it will be to do indirectly that which the Constitution of the State prohibits from being done directly—that of using funds belonging to one department of the government to defray the expenses of another.

HOLBROOK.

House Bill Referred.

H. B. No. 62 referred to Committee on Finance.

Messages From the Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second Legislature:

I hereby submit to you the following subjects for consideration:

1. The amendment of Section 7, Chapter 163, of the General Laws of the State of Texas passed at the Regular Session of the Forty-second Legislature.

2. The amendment of Article 15 of the Revised Civil Statutes of 1925.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second Legislature:

I herewith hand you a bill by Senators Hornsby, Neal and Small covering the matter of appropriations to pay salaries and expenses of district judges in judicial districts numbers 123, 124, 126 and the assistant district attorney of the 47th Judicial District.

There is no appropriation now provided by law for these positions and I submit same to you for your early attention.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second Legislature:

I hereby submit for your consideration the following subjects:

1. The amendment of Article 773 of the Revised Penal Code of Texas, 1925.

2. The amendment of Article 7332, Chapter 10, Title 122, of the Revised Civil Statutes of Texas 1925, as amended.

Respectfully submitted,

R. S. STERLING,
Governor.

Conference Committee Appointed.

On motion of Senator Rawlings the Senate refused to concur in House amendments and asked for the appointment of a Conference Committee.

The Chair appointed the following on the part of the Senate:

Senators Rawlings, Small, Woodward, Purl and Hopkins.

Message From the Governor.

Executive Office,

Austin, Texas, Sept. 23, 1931.

To the Members of the Forty-second Legislature:

I herewith hand you two measures

relating to State occupation tax. These measures are curative only and will clarify the existing occupation tax laws.

The yare submitted to you with the hope that you will give them your earnest and prompt consideration.

Respectfully submitted,

R. S. STERLING,
Governor.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 9 by a viva voce vote:

House Resolution, requesting the Senate to return S. B. No. 8 to the House for further consideration.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 44.

The Chair laid before the Senate the following bill:

By Senator Oneal:

S. B. No. 44, A bill to be entitled "An Act to authorize any county in this State having any claim for money against any person, partnership, corporation, joint stock or other association, to purchase the property of such debtor or debtors, at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, whenever the commissioners' court of said county for such price as the commissioners' court may deem advisable and for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote:

The committee report was adopted.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its second reading by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

The bill was read second time and passed to engrossment.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Hornsby.
Berkeley.	Loy.
Cousins.	Martin.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hopkins.	Poage.

Purl.	Thomason.
Rawlings.	Williamson.
Russek.	Woodruff.
Small.	Woodul.
Stevenson.	Woodward.

Absent—Excused.

Pollard.

S. B. No. 8 Recalled.

The Chair laid before the Senate: House Resolution, recalling S. B. No. 8 to the House for further consideration.

Read and adopted.

Senate Bill No. 36.

Senator Williamson called up from the table S. B. No. 36.

The question recurred upon the pending amendment. The amendment was adopted.

Senator Hornsby sent up the following amendment:

Amend S. B. No. 36 to provide for the payment of the salary of the district judge of the 126 Judicial District of Texas in the sum of \$10,000.00 for the time from Sept. 1, 1931 to August 31, 1933.

HORNSBY.

Read and adopted.

Senator Purl sent up the following amendment:

Amend caption to conform to all amendments.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—2.

DeBerry. Loy.

Absent—Excused.

Pollard.

Motion to Print.

Senator Purl moved to print S. B.
No. 25 on minority report.

Senator Hornsby moved the previ-
ous question on the further consid-
eration of the motion. The previ-
ous question was ordered.

The motion to print prevailed by
the following vote:

Yeas—14.

Berkeley.	Martin.
Cunningham.	Moore.
DeBerry.	Oneal.
Gainer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Loy.	Woodruff.

Nays—11.

Beck.	Small.
Cousins.	Stevenson.
Hornsby.	Thomason.
Neal.	Williamson.
Parr.	Woodul.
Patton.	

Absent.

Rawlings. Russek.

(Pairs Recorded.)

Senator Hopkins (present) who
would vote nay, with Senator Parrish
(absent) who would vote yea.

Senator Woodward (present) who
would vote yea, with Senator Greer
(absent) who would vote nay.

Messages From the Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second
Legislature:

I hereby submit to you the subject
of amending Section 22, Chapter 34,
Acts of the First Called Session of
the Forty-first Legislature.

Respectfully submitted,

R. S. STERLING,
Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second
Legislature:

I hereby submit for your consid-
eration the following subjects:

1. The amendment of Article 773
of the Revised Penal Code of Texas,
1925.

2. The amendment of Article 7332,
Chapter 10, Title 122, of the Revised
Civil Statutes of Texas 1925, as
amended.

Respectfully submitted,

R. S. STERLING, Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second
Legislature:

I hereby submit to you the follow-
ing subjects for consideration:

1. The amendment of Section 7,
Chapter 163, of the general laws of
the State of Texas passed at the reg-
ular session of the 42nd Legislature.

2. The amendment of Article 15
of the Revised Civil Statutes of 1925.

Respectfully submitted,

R. S. STERLING, Governor.

Executive Office,

Austin, Texas, Sept. 24, 1931.

To the Members of the Forty-second
Legislature:

I hereby submit to you for consid-
eration the following subjects:

1. Amendment of Chapter 212,
Section 18, Acts of the Regular Ses-
sion of the Fortieth Legislature.

2. Amendment of Article 1025 of
Chapter 2, Title 15, Code of Criminal
Procedure of the State of Texas.

3. Amendment of Article 1020,
Chapter 2, Title 15, Code of Criminal
Procedure of the State of Texas.

Respectfully submitted,

R. S. STERLING, Governor.

H. C. R. No. 26.

The Chair laid before the Senate:
H. C. R. No. 26, Relative to Harry
Benge Crozier.

Read and adopted.

Executive Session Postponed.

On motion of Senator Hornsby the
executive session was postponed until
just prior to recess tomorrow at
noon.

Adjournment.

On motion of Senator Holbrook,
the Senate, at 6:20 o'clock p. m.,
adjourned until tomorrow morning
at 10 o'clock.

APPENDIX**Petitions and Memorials.**

San Benito, Texas, Sept. 19, 1931.
To the Members of the Legislature:
We, the members of the W. C. T.
U. of San Benito, Texas, wish to
congratulate and commend you for
the passage of the resolution concern-
ing the home and family ideals.

We believe that fundamental
righteousness should be taught first,
by example and precept, in the
homes.

We appreciate any law or resolu-
tion from our law-makers to up-hold
Christian ideals.

The legislature is right in calling
our people to walk again in the old
paths of righteousness. In closing
we can not refrain from expressing
the hope that these legislators will
remember to be true to the spirit
of their resolutions the next time a
bill is introduced down there to pag-
anize our Christian sabbath.

Mrs. S. C. Sparks, Sec., W. C. T. U.

Hon. Edgar E. Witt, President of
the Senate, and Members of the
Senate:

The family of the late Charles K.
Walter desires to convey to the Sen-
ate, collectively and to members in-
dividually, our sincere thanks and
heartfelt appreciation for the cour-
tesies and consideration shown us
in our bereavement.

We also thank you for the beau-
tiful floral offering, the resolution,
and the honor shown our loved one.

Gratefully,

HIS CHILDREN.

Can Legislation Make Cotton
Higher?

Will Such a Law Stand?

The Texas Legislature
And the Governor of the State
Have undertaken something
That's extremely up to date.

2.

They try to show the farmer
Who is expecting to be fed
That he may use his muscles
But he need not use his head.

3.

If by some legislation
We can create a "Big Demand"
Does your imagination
Say that such a law can stand?

4.

While some are "Long" on cotton
And there are others that are
"Short"—
The "Longs" and "Shorts" on cotton
Craze the coolest headed "sport."

5.

The cotton speculators
Do not say that they will bet—
But they try to "get a living"
On the honest Farmer's "Sweat."

6.

Now, if by legislation
All the prices get a "Prop"
They are mighty sure to "Tumble"
When "Demand" shall take a
"Drop."

7.

I'm glad the legislature
In their Great Paternal Mood
Are trying to put the Farmer
On a Safe Financial Road.

8.

The Farmer's wise and gentle
And it won't stir up his "Ire,"
To send a Legislator
To keep him out of the Fire

9.

There's a "Rainy Spell" coming
For the Farmer in the main—
He'll need a Legislator
To "call him out of the Rain."

10.

So it's well to teach the farmer
That it's better for us all—
If we can't have "High Price" cotton
That we should have none at all.

11.

Now I'm a Chicken Raiser
And it has not paid a cent
Need a law to stop my business
For my neck is badly bent.
Charles Singleton Jenkins,
San Antonio, Texas.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 16,
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills have had S. B. No. 15,
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 26,
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Fi-
nance, to whom has been referred
S. B. No. 38, A bill to be entitled
"An Act for the purpose of releas-
ing the interest and penalties on all
State, County, Special School Dis-
trict, Road District, Levee Improve-
ment District, and Irrigation District
of the State, other than incorporated
Cities and Towns, delinquent up to
and including October 20, 1931, pro-
viding said taxes are paid by January

1, 1932; declaring a State policy and
the existence of a public calamity;
repealing all laws in conflict here-
with; and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred
S. B. No. 44,

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on
Educational Affairs, to whom was re-
ferred

H. B. No. 44, A bill to be entitled
"An Act to amend Chapter 47 of the
First Called Session of the Forty-
first Legislature, as amended by
Chapter 140 of the Acts of the Reg-
ular Session of the Forty-second Leg-
islature, so as to provide that nei-
ther said Act, nor said Act so
amended, shall apply to nor affect
any county in this State which is
subject to the provisions of Chapter
82 of the General and Special Laws
of the Regular Session of the For-
tieth Legislature, being Senate Bill
No. 375 of said Session, published
on page 124 of said Laws, and to
validate all consolidations of school
districts and other acts of the coun-
ty board of school trustees of all
counties subject to the provisions of
said Chapter 82, heretofore consum-
mated or performed; and declaring
an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, with
the following committee amend-
ment, and be not printed:

Amend H. B. No. 44 by adding to
Section 1 the following:

"Provided that nothing in this Act

shall have the effect of validating any act not consummated or performed in compliance with said Chapter 82 herein referred to."

NEAL, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 42, A bill to be entitled "An Act to amend Section 39, Chapter 212, page 355, Acts 1931, Forty-second Legislature, Regular Session."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 6, A bill to be entitled "An Act to promote the use of staple cotton and to prohibit the use of linters and cotton of similar low quality in the manufacture of mattresses, pillows, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 34, A bill to be entitled "An Act requiring all public warehousemen to issue receipts, containing in addition to the information now required by Article 570, of the Statutes of this State, a statement of the class and sample of the cotton represented by the receipt, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 37, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties and cities or towns for constructing streets and roads; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 36, A bill to be entitled "An Act supplementing the appropriation made during the Third Called Session of the Forty-first Legislature for the fiscal year ending August 31, 1931, to pay salaries of special judges and expenses of district judges for holding court out of their own counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment and be not printed:

Committee Amendment.

Amend Senate Bill No. 36 by striking out the words "two thousand dollars" wherever they appear and by inserting in lieu thereof the words "six thousand five hundred dollars."

BECK, Chairman.

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 33, A bill to be entitled "An Act relating to State warrants

and to provide that certain State warrants shall draw interest after they are presented for payment and not paid, and to authorize the State Highway Commission to invest such portions of the State Highway Fund, as from time to time, may not be needed for immediate use, in State warrants drawn against the General Revenue Fund, provided that not more than Three Million Dollars (\$3,000,000.00) shall be so invested at any one time, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute bill, A bill to be entitled

"An Act to authorize and direct the State Highway Commission and the State Treasurer to invest three million (\$3,000,000.00) dollars out of the State Highway Fund, in certain State warrants on the General Fund, and directing the reimbursement of the State Highway Fund out of the General Fund, as funds are available, together with interest thereon at the rate of two per cent per annum, making an appropriation to pay said interest, and declaring an emergency."

Do pass in lieu thereof, and be not printed.

MOORE, Chairman.

C. S. S. B. No. 33.

By Moore, Purl, Woodward, Beck, Williamson, Hardin, Berkeley, Hornsby, Small, Cunningham, Loy, Neal, Martin, Hopkins, and Russek.

A BILL

To Be Entitled

An Act to authorize and direct the State Highway Commission and the State Treasurer to invest three million (\$3,000,000.00) dollars out of the State Highway Fund, in certain State warrants on the General Fund, and directing the reimbursement of the State Highway Fund out of the General Fund, as funds are available, together with interest at the rate of two per cent per annum, making an appropriation to pay said interest, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Highway Commission and the Treasurer of the State of Texas are hereby authorized and directed to invest three million (\$3,000,000.00) dollars of the State Highway Fund in warrants hereafter issued by the State of Texas, or that may have heretofore been issued but not cashed or discounted by the original holder thereof, drawn upon the general fund; provided that all such warrants purchased by said State Highway Commission and Treasurer and paid for out of said State Highway Fund shall be held by the Treasurer for the use and benefit of the State Highway Commission and said State Highway Fund; and that said warrants so purchased out of said State Highway Fund shall be taken up and the State Highway Fund reimbursed out of the general fund as such funds become available, together with interest thereon at the rate of two per cent per annum. Said warrants so purchased shall upon such transfer remain in full force as evidence of indebtedness of the State of Texas and each of said warrants shall be paid by the State Treasurer in due order as the revenues become available to discharge the several warrants and in the same due order as if said warrants were held by private persons.

Sec. 1-A. There is hereby appropriated out of any monies to the credit of the general fund in the State Treasury, for the purpose of paying interest on such highway funds as may be used under the terms of Section 1 of this Act, the sum of \$50,000.00 or so much thereof as may be necessary to pay such interest.

Sec. 2. This Act shall be cumulative of all other laws pertaining to said Highway Commission and said Highway Fund.

Sec. 3. The fact that there is a general business depression in the State of Texas, making it impossible for many of the taxpayers to pay their taxes, resulting in a deficiency in the current revenues, and the further fact that in truth and in fact, if all the taxes due the State of Texas were paid, as is done in normal times, there would be no deficiency, and the belief that this condition is temporary; and the further

fact that the State Highway Fund contains sufficient surplus to justify the investment in State warrants, as above specified, which will alleviate the temporary conditions recited, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after the date of its passage and it is so enacted.

(Majority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Finance to whom was referred

S. B. No. 27, A bill to be entitled "An Act amending Chapter 237 of the General Laws as passed by the 40th Legislature of Texas at its Regular Session, and fixing the salaries of the Judges of the Supreme Court, of the Court of Criminal Appeals, of the Commissions of Appeals, Judges of the Court of Civil Appeals, of the Judges of the District Courts; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BECK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 27, A bill to be entitled "An Act amending Chapter 237 of the General Laws as passed by the 40th Legislature of Texas at its Regular Session, and fixing the salaries of the Judges of the Supreme Court, of the Court of Criminal Appeals, of the Commissions of Appeals, Judges of the Court of Civil Appeals, of the Judges of the District Courts; repealing all laws in conflict; and declaring an emergency."

Beg to differ with the majority of the committee and report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY,
HARDIN,
MOORE,
WOODWARD.

(Majority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 28, A bill to be entitled "An Act amending S. B. No. 17, page 95, Acts of the Regular Session of the Forty-second Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of judges and the support and maintenance of the judicial department of the State Government for the two year period beginning September 1, 1931, and ending August 31, 1933; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BECK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 28, A bill to be entitled "An Act amending S. B. No. 17, page 95, Acts of the Regular Session of the 42nd Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of judges and support and maintenance of the judicial department of the State Government for the two year period beginning September 1, 1931, and ending August 31, 1933; and declaring an emergency."

Beg to differ with the majority of the committee and report it back to the Senate with the recommendation

that it do pass, with committee amendments, and be printed.

DeBERRY,
HARDIN,
MOORE,
WOODWARD,
BERKELEY.

Amendment No. 1.

Amend S. B. No. 28, by striking out the following:

"Provided, further, that it is intended that the District Judges throughout this State shall receive only the sum of Forty-five Hundred Dollars (\$4500.00) per year, and in the event any further amount is received by them as a salary from any other source or for any other purpose, then such amount so received as extra shall be deducted from the amount herein appropriated; so that the entire amount that they shall receive shall be only Forty-five Hundred Dollars (\$4500.00) per year."

Amendment No. 2.

Amend S. B. No. 28 by striking out "District Judges salaries 112 at \$4500.00 each year," and the figures "\$504,000.00" wherever they appear in this item, and by inserting in lieu thereof, "District Judges salaries 115 at \$4500.00 each year, \$517,500.00 for each of the two fiscal years."

Amendment No. 3.

Amend S. B. No. 28 by inserting after the words, "Assistant District Attorney in Travis County" the following: "Assistant District Attorney in the Forty-seventh Judicial District \$2700.00 for each of the two fiscal years."

Amendment No. 4.

Amend S. B. No. 28 under Court of Civil Appeals, First District by striking out the figures "\$200.00" in the year for furniture and typewriters and insert "\$100.00."

Amend S. B. No. 28 under "Court of Civil Appeals, Eleventh District" by striking out the figures "\$1,200.00" in the second year "For furniture and fixtures," and insert "\$200.00;"

Amend S. B. No. 28 under "Supreme Court" by striking out the figures "\$166.66" under "Salary of

secretary for the Clerk's office," and insert "\$1,500.00;"

Amend S. B. No. 28 by changing the figures in each column under "Salaries of District Attorneys' Compensation" so as to read "\$163,800.00" each year;

Amend S. B. No. 28 by striking out the figures "\$5,000.00" for "Salary of the District Attorney of El Paso District" and insert the figures "\$4,950.00;"

Amend S. B. No. 28 by striking out the figures "\$3,300.00" and "\$3,000.00" and "\$6,300.00" in the item for "Two Assistant Attorneys, El Paso District," and insert "\$3,240.00" and "\$2,980.00" and "\$6,220.00" respectively;

Amend S. B. No. 28 by striking out the figures "\$2,500.00" under "Salary, Assistant District Attorney, 30th Judicial District" and insert "\$2,250.00;"

Amend S. B. No. 28 by striking out the figures "\$2,500.00" and "\$5,000.00" wherever they appear under "Assistant District Attorney's salaries, 49th and 72nd District," and insert "\$2,250.00" and "\$4,500.00" respectively;

Amend S. B. No. 28 by striking out the figures "\$3,300.00" under the item "Assistant District Attorney's salary, 22nd District," and insert "\$3,240.00;"

Amend S. B. No. 28 by striking out the words "and the State Auditor" wherever they appear in the fourth paragraph of the General Provisions of the Bill.

(Majority Report.)

Committee Room,

Austin, Texas, Sept. 23, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 29, A bill to be entitled "An Act establishing, promulgating, and fixing the salaries of public officers, deputies, judges, clerks, employees and assistants in the employ of the State Government, and various departments thereof; declaring the policy of the State; and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass.
BECK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 29, A bill to be entitled "An Act establishing, promulgating, and fixing the salaries of public officers, deputies, judges, clerks, employees and assistants in the employ of the State Government, and various departments thereof; declaring the policy of the State; and declaring an emergency."

Beg to differ with the majority of the committee and report it back to the Senate with the recommendation that it do pass, with amendments and be printed.

DeBERRY,
HARDIN,
MOORE,
WOODWARD.

(Majority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 30, A bill to be entitled "An Act amending S. B. No. 246, Chapter 285, by readjusting, reducing and reapportioning appropriations to pay the salaries of officers and employees of certain Eleemosynary Institutions of the State and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1931, and ending August 31, 1933, as follows, to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Confederate Home; Confederate Woman's Home; Dallas State Hospital; Deaf, Dumb and Blind Institute for Colored Youths; Girls' Training School; Home for Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphan Home; Rusk State Hospital;

San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Colored Orphans Home at Gilmer; Alabama and Coushatti Indians in Polk County, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BECK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 30, A bill to be entitled "An Act amending S. B. No. 246, Chapter 285, by readjusting, reducing and reapportioning appropriations to pay the salaries of officers and employees of certain Eleemosynary Institutions of the State and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1931, and ending August 31, 1933, as follows, to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Confederate Home; Confederate Woman's Home; Dallas State Hospital; Deaf, Dumb and Blind Institute for Colored Youths; Girls' Training School; Home for Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphan Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Colored Orphans Home at Gilmer; Alabama and Coushatti Indians in Polk County, Texas; and declaring an emergency."

Beg to differ with the majority of the committee and report it back to the Senate with the recommendation that it do pass, with amendments and be printed.

DeBERRY.

Amendment No. 1.

Amend S. B. No. 30 by striking out the figures \$3,483.00 wherever

they appear in item "Teacher, blind, 9 months" under "Deaf Dumb and Blind Institute for Colored Youths" and insert \$3,870.00 in each column.

Amendment No. 2.

Amend S. B. No. 30 by striking out the figures \$2,600.00 in the first column under "Teachers," under "State Home for Dependent and Neglected Children" and insert \$3,600.00.

Amendment No. 3.

Amend S. B. No. 30 by adding after the first paragraph in the General Provisions of the Bill the following: "Provided, further, that wherever a lump sum appropriation appears to pay salaries, the same 10% reduction shall apply as applied to other salaries; that is \$1800.00 or above."

(Majority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 31, A bill to be entitled "An Act amending S. B. No. 259, Chapter 286, Acts of the Regular Session of the 42nd Legislature, the same being An Act making appropriation for the support and maintenance of the State Government for the two year period beginning September 1, 1931, and ending August 31, 1933, and for other purposes; and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BECK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate:

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 31, A bill to be entitled "An Act amending S. B. No. 259,

Chapter 286, Acts of the Regular Session of the 42nd Legislature, the same being An Act making appropriation for the support and maintenance of the State Government for the two year period beginning September 1, 1931, and ending August 31, 1933, and for other purposes; and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

Beg to differ with the majority of the committee and report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

DeBERRY,
HARDIN,
MOORE,
WOODWARD,
BERKELEY.

(Majority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 32, A bill to be entitled "An Act amending H. B. No. 508, Chapter 284, Act of the Regular Session of the Forty-second Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas; The State Agricultural Experiment Station System; The Extension Service and Rodent Control Service; Texas Department of Forestry; North Texas Junior Agricultural College; John Tarleton Agriculture College; Prairie View State Normal and Industrial College; The University of Texas, including the Extra Murals Divisions and the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The College of Arts and In-

dustries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; Texas School for the Blind and Texas School for the Deaf; for the years beginning September 1, 1931, and ending August 31, 1933, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BECK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 23, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

S. B. No. 32, A bill to be entitled "An Act amending H. B. No. 508, Chapter 284, Act of the Regular Session of the Forty-second Legislature by readjusting and reducing appropriations with relation to the payment of the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas; The State Agricultural Experiment Station System; The Extension Service and Rodent Control Service; Texas Department of Forestry; North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; The University of Texas, including the Extra Murals Divisions and the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos; Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Can-

yon; Texas School for the Blind and Texas School for the Deaf; for the years beginning September 1, 1931, and ending August 31, 1933, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Beg to differ with the majority and report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

DeBERRY,
HARDIN,
MOORE,
WOODWARD,
BERKELEY.

(Majority Report.)

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs to whom was referred

S. B. No. 25, A bill to be entitled "An Act to amend Section 1 of Chapter 271, H. B. No. 358, General Laws of the Regular Session of the Forty-second Legislature, approved May 29, 1931, providing for the sale of lands belonging to the Public Free School Fund of the State of Texas, except islands, lakes and bays and other lands within tide water limits; amending Section 5 of said Act, giving preference right to holders in good faith of surveys of land to purchase the same; amending Section 8 of said Act, relating to the lease of all unsold public free school lands, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MOORE, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 25, A bill to be entitled "An Act to amend Section 1 of Chapter 271, H. B. No. 358, General Laws of the Regular Session of the Forty-second Legislature, approved May

29, 1931, providing for the sale of lands belonging to the Public Free School Fund of the State of Texas, except islands, lakes and bays and other lands within tide water limits; amending Section 5 of said Act, giving preference right to holders in good faith of surveys of land to purchase the same; amending Section 8 of said Act, relating to the lease of all unsold public free school lands, and declaring an emergency."

Beg to differ with the majority of committee, and report it back to the Senate with recommendation that it do pass.

HOLBROOK,
WOODWARD,
DeBERRY,
GAINER.

(Majority Report.)

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. C. R. No. 10

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do not pass.

MOORE, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. C. R. No. 10

Beg to differ with the majority of committee, and report it back to the Senate with recommendation that it do pass.

MOORE,
HARDIN.

Committee Room,
Austin, Texas, Sept. 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 35

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

In Memory
of
Mr. William Holder

SIMPLE RESOLUTION NO. 25.

Senator Purl sent up the following resolution:

WHEREAS, On Wednesday, September 23rd, 1931, Mr. William Holder, father of our beloved fellow member of the Texas Legislature, Ray Holder, was called to his eternal reward; and

WHEREAS, The members of this body are deeply grieved over the passing of this useful citizen and sympathize with his friends and the members of his family; now, therefore, be it

RESOLVED by the Senate of Texas, that we extend our most sincere and deep sympathy in this sad hour; that a copy of this resolution be spread on the Journal of the Senate; that copies be furnished the family of the deceased; and that when we adjourn today it be in his memory.

Purl, Beck, Berkeley, Cousins, Cunningham, DeBerry, Gainer, Greer, Hardin, Holbrook, Hopkins, Hornsby, Loy, Martin, Moore, Neal, Oneal, Parr, Parrish, Patton, Poage, Pollard, Rawlings, Russek, Small, Stevenson, Thomason, Williamson, Woodruff, Woodul, Woodward, Lieutenant Governor Edgar E. Witt.

Read and adopted unanimously by a rising vote.